

Applicant: Alabama Carbon, LLC
Mine Name: Mine No. 1
Permit Number: P-3822-39-13-S

STATE OF ALABAMA

SURFACE MINING COMMISSION

- (XX) Transfer Application for a Surface Coal Mine
() Transfer Application for an Underground Coal Mine
() Transfer Application for a Preparation Facility

NAME OF CURRENT PERMITTEE: GTM Energy Partners, LLC

ADDRESS: 442 County Road 464 Phone (256) 632-2267
Flat Rock, AL 35966

PART I A. IDENTIFICATION

1. PERMIT APPLICANT

Name: Alabama Carbon, LLC
Street Address: 106 Lockheed Drive
City: Beaver State: WV Zip: 25813
Mailing Address: 106 Lockheed Drive
City: Beaver State: WV Zip: 25813
Telephone Number: (304) 252-1074
Social Security Number (Voluntary): _____
Employer Identification Number: 45-2354416
ASMC License#: L-816

2. ENTITY OR PERSON RESPONSIBLE FOR PAYING ABANDONED MINE LAND RECLAMATION FEES

Name: Applicant
Street Address: _____
City: _____ State: _____ Zip: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone Number: (_____) _____
Social Security Number (Voluntary): _____
Employer Identification Number: _____
ASMC License#: _____

3. IDENTIFY THE OPERATOR FOR THIS MINE IF DIFFERENT FROM THE PERMITTEE

Name: Applicant
Street Address: _____
City: _____ State: _____ Zip: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone Number: (_____) _____
Social Security Number (Voluntary): _____
Employer Identification Number: _____
ASMC License#: _____

4. CONTACT PERSON FOR PERMIT REVIEW ISSUES AND CORRESPONDENCE

Name: Pete Parrish c/o PERC Engineering Co., Inc.
Mailing Address: Post Office Box 1712
City: Jasper State: AL Zip: 35502-1712
Telephone Number: (205) 295-3100

Also please copy: Zac Wright
Alabama Carbon, LLC
106 Lockheed Drive
Beaver, WV 25813

Applicant: Alabama Carbon, LLC
Mine Name: Mine No. 1
Permit Number: P-3822-39-13-S

PART I B. OWNERSHIP AND CONTROL

1. PERMIT APPLICANT OWNERSHIP AND CONTROL.

At the time of filing of this application provide an update of all information contained in the applicant's license file or certify that the information contained in the license is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following:

☐ A license update is included

☒ Information contained in the license file is accurate and complete at the time of filing of this application.
No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

2. OPERATOR OWNERSHIP AND CONTROL.

If someone other than the permittee has been identified as the operator under this permit, an update of the ownership and control information contained in the operator's license file must be provided or certify that the information contained in the license file is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following:

Not Applicable

☐ A license update is included

☒ Information contained in the license file is accurate and complete at the time of filing of this application.
No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

3. CONTROL OF MINING OPERATION THROUGH CONTROL OF COAL TO BE MINED.

Provide the information below for any person or entity who owns or controls the coal to be mined under this permit and who by lease, sublease, or other contract:

- A. has the right to receive the coal after mining, or,
B. has the authority to determine the manner in which the operator or permittee conducts surface coal mining operations.

(USE ADDITIONAL SHEETS IN THE FORMAT BELOW IF NECESSARY)

Name: Not Applicable

Street Address: _____

City: _____ State: _____ Zip: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: (____) ____-____

Social Security Number (Voluntary): ____-____-____

Employer Identification Number: _____

ASMC License#: _____

Applicant: Alabama Carbon, LLC
Mine Name: Mine No. 1
Permit Number: P-3822-39-13-S

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS

1. OWNERSHIP OF PROPERTY TO BE MINED AND RIGHT OF ENTRY.

INSTRUCTIONS: Show the property ownership boundaries of each parcel of land in the permit area on the permit map or an overlay of the same scale as the permit map. If the surface estate is severed from the mineral estate, show and describe the ownership of each estate separately. In the spaces below, identify:

1. Every current legal or equitable owner(s) of record (as found in a standard search of title) of the property;
2. The holders of record of any leasehold interest in the property; and,
3. Any purchaser of record under a real estate contract of the property.

Describe the basis of the applicant's legal right to enter and mine on all properties contained in the permit application. If the mineral estate has been severed from the surface estate, describe the basis of the legal right to enter and mine both the surface and mineral separately. Give the nature of such right (i.e. lease, deed, contract, etc.), where recorded, describe from whom, to whom, and the date executed, and whether that right is the subject of pending litigation.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

Page 1 of 6

Legal description of property or permit map symbol: Robert Garland (Fee)

Surface/Mineral/or Fee Simple (both): Fee Simple

Legal owner(s) of record: Robert Garland c/o Jimmy Garland Executor of Estate

Address: 15718 County Road 78 City: Pisqah State: AL Zip: 35765

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Robert Garland c/o Jimmy Garland Executor of Estate	GTM Energy Partners, LLC.	8/9/2000	No
Asset Purchase	GTM Energy Partners, LLC	Alabama Carbon, LLC	2/8/2012	No

Applicant: Alabama Carbon, LLC
Mine Name: Mine No. 1
Permit Number: P-3822-39-13-S

PART I C 1. (CONTINUED)

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Legal description of property or permit map symbol: James Leon Carson (Fee)

Surface/Mineral/or Fee Simple (both): Fee Simple

Legal owner(s) of record: James Leon Carson

Address: 1757 County Road 384 City: Dutton State: AL Zip: 35744

Holders of leasehold interest:

Address: City: State: Zip:

Purchasers under a real estate contract:

Address: City: State: Zip:

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	James Leon Carson	GTM Energy Partners, LLC	10/14/03	No
Asset Purchase	GTM Energy Partners, LLC	Alabama Carbon, LLC	2/8/2012	No

Legal description of property or permit map symbol: Roy C. & Pauline Roberts (S)

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: Roy C. & Pauline Roberts

Address: 1611 County Road 22 City: Pisqah State: AL Zip: 35765

Holders of leasehold interest:

Address: City: State: Zip:

Purchasers under a real estate contract:

Address: City: State: Zip:

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Easement (Original Deed)	Roy C. & Pauline Roberts	GTM Energy Partners, LLC	1/26/1957	No
Asset Purchase	GTM Energy Partners, LLC	Alabama Carbon, LLC	2/8/2012	No

Applicant: Alabama Carbon, LLC
Mine Name: Mine No. 1
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PART I C 1. (CONTINUED)

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Legal description of property or permit map symbol: Timothy Keith (Fee)

Surface/Mineral/or Fee Simple (both): Fee Simple

Legal owner(s) of record: Timothy Keith

Address: 1622 County Road 123 City: Dutton State: AL Zip: 35744

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Timothy Keith	GTM Energy Partners, LLC	12/29/00	No
Asset Purchase	GTM Energy Partners, LLC	Alabama Carbon, LLC	2/8/2012	No

Legal description of property or permit map symbol: Lamar Brown (S) & Fee

Surface/Mineral/or Fee Simple (both): Surface & Fee Simple

Legal owner(s) of record: Lamar Brown

Address: 7786 County Road 47 City: Rainsville State: AL Zip: 35968

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Lamar Brown	GTM Energy Partners, LLC	7/21/01	No
Asset Purchase	GTM Energy Partners, LLC	Alabama Carbon, LLC	2/8/2012	No

Applicant: Alabama Carbon, LLC
Mine Name: Mine No. 1
Permit Number: P-3822-39-13-S

PART I C 1. (CONTINUED)

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Legal description of property or permit map symbol: GTM Mining Corporation (S)

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: GTM Mining Corporation

Address: 15695 Alabama Highway 71 City: Pisgah State: AL Zip: 35765

Holders of leasehold interest:

Address: City: State: Zip:

Purchasers under a real estate contract:

Address: City: State: Zip:

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	GTM Mining Corporation	GTM Energy Partners, LLC	10/25/07	No
Asset Purchase	GTM Energy Partners, LLC	Alabama Carbon, LLC	2/8/2012	No

Legal description of property or permit map symbol: Regions Bank (M)

Surface/Mineral/or Fee Simple (both): Mineral

Legal owner(s) of record: Regions Bank Natural Resource Department

Address: P. O. Box 11426 City: Birmingham State: AL Zip: 35202

Holders of leasehold interest:

Address: City: State: Zip:

Purchasers under a real estate contract:

Address: City: State: Zip:

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Regions Bank	GTM Energy Partners, LLC	6/30/08	No
Asset Purchase	GTM Energy Partners, LLC	Alabama Carbon, LLC	2/8/2012	No

Applicant: Alabama Carbon, LLC
Mine Name: Mine No. 1
Permit Number: P-3822-39-13-S

PART I C 1. (CONTINUED)

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Legal description of property or permit map symbol: Kevin & Myrvle Camp (S)

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: Kevin & Myrvle Camp

Address: P. O. Box 147 City: Heneqar State: AL Zip: 35978

Holders of leasehold interest:

Address: City: State: Zip:

Purchasers under a real estate contract:

Address: City: State: Zip:

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Kevin & Myrvle Camp	GTM Energy Partners, LLC	1/24/08	No
Asset Purchase	GTM Energy Partners, LLC	Alabama Carbon, LLC	2/8/2012	No

Legal description of property or permit map symbol: Eugene & Myrvle Camp (S)

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: Eugene & Myrvle Camp

Address: P. O. Box 147 City: Heneqar State: AL Zip: 35978

Holders of leasehold interest:

Address: City: State: Zip:

Purchasers under a real estate contract:

Address: City: State: Zip:

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Eugene & Myrvle Camp	GTM Energy Partners, LLC	1/24/08	No
Asset Purchase	GTM Energy Partners, LLC	Alabama Carbon, LLC	2/8/2012	No

Applicant: Alabama Carbon, LLC
Mine Name: Mine No. 1
Permit Number: P-3822-39-13-S

PART I C 1. (CONTINUED)

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Legal description of property or permit map symbol: Myrvle Camp (Fee)

Surface/Mineral/or Fee Simple (both): Fee

Legal owner(s) of record: Myrvle Camp

Address: P. O. Box 147 City: Henegar State: AL Zip: 35978

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Myrvle Camp	GTM Energy Partners, LLC	1/24/08	No
Asset Purchase	GTM Energy Partners, LLC	Alabama Carbon, LLC	2/8/2012	No

Legal description of property or permit map symbol: _____

Surface/Mineral/or Fee Simple (both): _____

Legal owner(s) of record: _____

Address: _____ City: _____ State: _____ Zip: _____

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.

Applicant: Alabama Carbon, LLC
Mine Name: Mine No. 1
Permit Number: P-3822-39-13-S

PART I C. (CONTINUED)

2. OWNERSHIP OF SURFACE AND MINERAL LANDS CONTIGUOUS TO THE AREA TO BE MINED
INSTRUCTIONS:

Provide the information below for the owners of record of all surface and mineral properties contiguous to any part of the proposed permit area.

USE ADDITIONAL SHEETS AS NECESSARY IN THE FORMAT BELOW

PAGE 1 of 1

Name: Robert Garland c/o Jimmy Garland
Address: 15718 Alabama Highway 78
City: Pisgah State: AL Zip: 35765
Interest owned (Surface, Coal or Fee Simple): Fee Simple
Type of Interest (Owner, Lease, or Other): Owner

Name: Roy C. & Pauline Roberts
Address: 1611 County Road 22
City: Pisgah State: AL Zip: 35765
Interest owned (Surface, Coal or Fee Simple): Surface
Type of Interest (Owner, Lease, or Other): Owner

Name: James Leon Carson
Address: 1757 County Road 384
City: Dutton State: AL Zip: 35744
Interest owned (Surface, Coal or Fee Simple): Fee Simple
Type of Interest (Owner, Lease, or Other): Owner

Name: Timothy Keith
Address: 1622 County Road 123
City: Dutton State: AL Zip: 35744
Interest owned (Surface, Coal or Fee Simple): Fee Simple
Type of Interest (Owner, Lease, or Other): Owner

Name: Lamar Brown
Address: 7786 County Road 47
City: Rainsville State: AL Zip: 35968
Interest owned (Surface, Coal or Fee Simple): Surface & Coal
Type of Interest (Owner, Lease, or Other): Owner

Name: Regions Bank Natural Resources Department
Address: P. O. Box 11426
City: Birmingham State: AL Zip: 35202
Interest owned (Surface, Coal or Fee Simple): Mineral
Type of Interest (Owner, Lease, or Other): Owner

Name: Jackson County Commission
Address: 288 Shelby Drive
City: Scottsboro State: AL Zip: 35769
Interest owned (Surface, Coal or Fee Simple): Surface
Type of Interest (Owner, Lease, or Other): Owner

Name: Byron Samples
Address: 1620 County Road 123
City: Dutton State: AL Zip: 35744
Interest owned (Surface, Coal or Fee Simple): Surface
Type of Interest (Owner, Lease, or Other): Owner

Name: Delbert Paradise
Address: 1669 County Road 22
City: Dutton State: AL Zip: 35744
Interest owned (Surface, Coal or Fee Simple): Surface
Type of Interest (Owner, Lease, or Other): Owner

Applicant: Alabama Carbon, LLC
Mine Name: Mine No. 1
Permit Number: P-3822-39-13-S

PART I C. (CONTINUED)

3. INTERESTS OR PENDING INTERESTS IN LANDS CONTIGUOUS TO THE PERMIT AREA
INSTRUCTIONS:

Give the legal description of all lands contiguous to the permit area for which the applicant:

1. Holds an interest,
2. Holds an option, or
3. Has made a bid for ownership, lease or other interest.

USE ADDITIONAL SHEETS AS NECESSARY IN THE FORMAT BELOW

PAGE OF Not Applicable

Legal description: _____

Describe the nature of the interest: _____

=====

Legal description: _____

Describe the nature of the interest: _____

=====

Legal description: _____

Describe the nature of the interest: _____

=====

Legal description: _____

Describe the nature of the interest: _____

=====

Legal description: _____

Describe the nature of the interest: _____

=====

Legal description: _____

Describe the nature of the interest: _____

Applicant: <u>Alabama Carbon, LLC</u>
Mine Name: <u>Mine No. 1</u>
Permit Number: <u>P-3822-39-13-S</u>

PART I D. PERMIT AREA INFORMATION

1. Give the requested term of this permit: 5 years.
2. Give the acreage of the permit, each increment and the type of bonding.
 - a. Total permit acreage: 323 acres.
 - b. Give the acreage and type of bond for each mining increment:

<u>Increment</u>	<u>Acres</u>	<u>Type Bond Proposed</u>
1.	<u>34</u>	<u>Surety</u>
2.	<u>75</u>	<u>Surety</u>
3.	<u>43</u>	<u>Surety</u>
4.	<u>36</u>	<u>Surety</u>
5.	<u>120</u>	<u>Surety</u>
6.	<u>15</u>	<u>Surety</u>

- c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: Increment No. 1
1. Has any acreage in the proposed permit area been previously disturbed by mining? (XX)YES ()NO

If yes, supply the following for any and all previously disturbed areas:

- a. Show the boundaries of the previously disturbed area(s) on the permit map and identify with an appropriate symbol.
- b. List, for each area, the permit number under which it was disturbed and the number of acres. Indicate the status of each permit as Unreleased, Grading released, or 100% released. (If no permit, indicate as such)

<u>Permit</u>	<u>Acres</u>	<u>Status</u>
<u>P-3140</u>	<u>3</u>	<u>Reclaimed</u>
<u>P-3349</u>	<u>7</u>	<u>Reclaimed</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

- c. For each area which has not been reclaimed or received a 100% release, indicate whether you intend to assume responsibility for reclamation of the area under this permit and its performance bond(s)

Alabama Carbon, LLC will be responsible for reclaiming any disturbance by mining under permit P-3822.

Applicant: <u>Alabama Carbon, LLC</u>
Mine Name: <u>Mine No. 1</u>
Permit Number: <u>P-3822-39-13-S</u>

PART I D. (CONTINUED)

4. List all other licenses and permits required to conduct mining operations including, but not limited to, MSHA I.D. and NPDES. Give the identification or permit number, the name and address of the issuing authority, and the status or date of approval or issuance of each:

Permit	ID or Permit Number	Issuing Authority	Address	Status or date of issuance
<u>MSHA ID</u>	<u>01-03206</u>	<u>MSHA</u>	<u>*</u>	<u>Issued 3/9/2001</u>
<u>NPDES</u>	<u>AL0073920</u>	<u>ADEM</u>	<u>**</u>	<u>Effective 8/31/2011</u>

* 135 Gemini Circle, Suite 213, Birmingham, AL 35209-5842

** 1400 Coliseum Blvd., Montgomery, AL 36110-2059

5. Did the applicant receive assistance from the Small Operator Assistance Program in preparing this application? () YES (XX) NO
If YES, list SOAP I.D. Number: _____

6. Submit a certificate of proof of Liability Insurance with this application.

See ASMC Master Insurance File

PART I E. PUBLIC NOTICE AND AVAILABILITY FOR INSPECTION

12. Give the name of the approved public office in which a copy of this application will be filed for public inspection following notification of completeness: _____

ASMC website <http://surface-mining.alabama.gov/PermitApplications.html>

13. Enclose a copy of the notice of filing of this application which will appear in a newspaper of general circulation in the vicinity of the mine and identify the name of the newspaper: See Attachment I.E.13. to appear in The Daily Sentinel.

PART 6: VERIFICATION OF APPLICATION

- (a) One copy must be original

Applicant: <u>Alabama Carbon, LLC</u>
Mine Name: <u>Mine No. 1</u>
Permit Number: <u>P-3822-39-13-S</u>

Attachment I.E.13.

NOTICE OF APPLICATION TO TRANSFER
A SURFACE COAL MINING PERMIT

Alabama Carbon, LLC, 106 Lockheed Drive, Beaver, WV 25813, hereby gives notice that it has filed application to succeed by transfer to the rights granted under Alabama Surface Mining Commission Permit P-3822-39-13-S currently held by GTM Energy Partners, LLC, 442 County Road 464, Flat Rock, AL 35966. This operation is known as Mine No. 1 and is located in Jackson County, Alabama. The permit lies in the NW 1/4 of NW 1/4 and SW 1/4 of NW 1/4 of Section 7, Township 5 South, Range 8 East, in the NW 1/4 of NW 1/4 and SW 1/4 of NW 1/4 of Section 18, Township 5 South, Range 8 East, in the NE 1/4 of NE 1/4, NW 1/4 of NE 1/4, NE 1/4 of NW 1/4, SE 1/4 of NW 1/4, SW 1/4 of NE 1/4, SE 1/4 of NE 1/4, NE 1/4 of SW 1/4, SE 1/4 of SW 1/4, SW 1/4 of SW 1/4, SW 1/4 of SE 1/4 and SE 1/4 of SE 1/4 of Section 12, Township 5 South, Range 7 East, in the NE 1/4 of NE 1/4, NW 1/4 of NE 1/4, NE 1/4 of NW 1/4, NW 1/4 of NW 1/4, SW 1/4 of NE 1/4 and SE 1/4 of NE 1/4 of Section 13, Township 5 South, Range 7 East, Jackson County, Alabama. A copy of the permit transfer application is available for public inspection at the Alabama Surface Mining Commission website <http://surface-mining.alabama.gov/PermitApplications.html>. Written comments, objections, or requests for informal conferences should be submitted to the Alabama Surface Mining Commission, P.O. Box 2390, Jasper, Alabama 35502-2390, within 30 days from the last publication of this notice.

The Daily Sentinel
701 Veterans Drive
Scottsboro, AL 35768
256-259-1020 FAX 256-259-2709

Proof of Publication

State of Alabama

County of Jackson

Before me, the undersigned authority in and for said County in said State, this day personally appeared Brad Shurett, who, being by me first duly sworn, deposes and says that he is Publisher of The Daily Sentinel, a newspaper of general circulation published in Jackson County, Alabama, and that the attached notice was published in said newspaper once a week for one (1) successive day(s), said notice having appeared in the issues of said paper on August 11, 2011.

Sworn to and subscribed before me August 12, 2011.

Robert Lynn Long Notary

Commission Expires:

MY COMMISSION EXPIRES 6-16-2015

Brad Shurett

located in Jackson County, Alabama. The permit lies in the NW 1/4 of NW 1/4 and SW 1/4 of NW 1/4 of Section 7, Township 5 South, Range 8 East, in the NW 1/4 of NW 1/4 and SW 1/4 of NW 1/4 of Section 18, Township 5 South, Range 8 East, in the NE 1/4 of NE 1/4, NW 1/4 of NE 1/4, NE 1/4 of NW 1/4, SE 1/4 of NW 1/4, SW 1/4 of NE 1/4, SE 1/4 of NE 1/4, NE 1/4 of SW 1/4, SE 1/4 of SW 1/4, SW 1/4 of SW 1/4, SW 1/4 of SE 1/4 and SE 1/4 of SE 1/4 of Section 12, Township 5 South, Range 7 East, in the NE 1/4 of NE 1/4, NW 1/4 of NE 1/4, NE 1/4 of NW 1/4, NW 1/4 of NW 1/4, SW 1/4 of NE 1/4 and SE 1/4 of NE 1/4 of Section 13, Township 5 South, Range 7 East, Jackson County, Alabama. A copy of the permit transfer application is available for public inspection at the Alabama Surface Mining Commission website. HYPERLINK "http://surface-mining.alabama.gov/PermitApplications.html." <http://surface-mining.alabama.gov/PermitApplications.html>. Written comments, objections, or requests for informal conferences should be submitted to the Alabama Surface Mining Commission, P.O. Box 2390, Jasper, Alabama 35502-2390, within 30 days from the last publication of this notice. Publish: August 11, 2011.

SEQ CHAPTER 1 NOTICE OF APPLICATION TO TRANSFER A SURFACE COAL MINING PERMIT

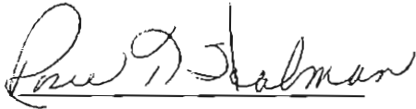
SEQ CHAPTER 1
Alabama Carbon, LLC,
106 Lockheed Drive,
Beaver, WV 25813,
hereby gives notice that
it has filed application
to succeed by transfer
to the rights granted
under Alabama Surface
Mining Commission
Permit P-3822-39-13-S
currently held by GTM
Energy Partners, LLC,
442 County Road 464,
Flat Rock, AL 35966.
This operation is known
as Mine No. 1 and is

AGREEMENT

This agreement is entered into this date by GTM Energy Partners, LLC and Alabama Carbon, LLC, in order to effect a transfer of Alabama Surface Mining Commission, ASMC, Permit No. P-3822-39-13-S and the responsibility, bond coverage, and liability thereunder from GTM Energy Partners, LLC to Alabama Carbon, LLC

On the date such transfer becomes effective, Alabama Carbon, LLC agrees to assume the responsibility, bond coverage, and liability of ASMC Permit No. P-3822-39-13-S and GTM Energy Partners, LLC agrees to relinquish all rights which it may have under said permit.

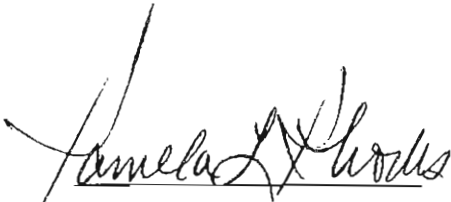
This agreement is entered into by parties this 3rd day of August, 2011. Said transfer is to become effective on the effective date that ASMC approves this transfer.


Witness

GTM Energy Partners, LLC

BY: 

Stanley L. Graves, Manager


Witness

Alabama Carbon, LLC

BY: 

James C. Justice, III, Vice President

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

August 31, 2011

CERTIFIED MAIL 91 7108 2133 3935 0365 3464
RETURN RECEIPT REQUESTED

James C. Justice, III
Vice President
Alabama Carbon, LLC.
106 Lockheed Drive
Beaver, West Virginia 25813

Re: Final Permit
Mine No. 1
NPDES Permit No. AL0073920
Jackson County (071)

Dear Mr. Justice:

Enclosed is the issued National Pollutant Discharge Elimination System (NPDES) permit for the above referenced facility. The issuance, effective, expiration, modification issuance, and modification effective dates of the permit are specified on the cover page.

Please see Parts I.B. and I.C of the permit for monitoring and reporting requirements. Copies of the DMR forms are enclosed. The original DMR forms should be retained for your records. The original signature of a principal executive officer or authorized agent must appear on all DMRs submitted to the Department. The principal executive officer must submit, in writing, authorization allowing a designated agent to sign DMR forms submitted to the Department. The submittal must specify either an individual or a position having responsibility for the overall operations of the regulated facility or activity. Use of the enclosed forms is required for future report submittals for this facility.

Please be advised that pursuant to Part II.C.1. of the enclosed permit, you are allowed to continue with work related to the implementation of the Pollution Abatement/Prevention Plan for the proposed outfalls, including the construction of sedimentation basins. Any mining or processing activity conducted prior to Departmental receipt of certification from a professional engineer licensed to practice in the State of Alabama, that the Pollution Abatement/Prevention Plan for the proposed outfalls was implemented according to the design plan, or notification from the Alabama Surface Mining Commission that the sediment control structures have been certified, is prohibited. Please be advised that pursuant to ADEM Admin. Code R. 335-6-6-.05, this permit will automatically expire **eighteen (18) months** after the permit issuance date if construction, as defined by ADEM Admin. Code R. 335-6-6-.02(g), or mining has not commenced.

The Department provides a voluntary web-based electronic environmental (E2) reporting system for submittal of discharge monitoring reports (DMRs). The E2 DMR system provides an alternative method to submit DMR data and allows ADEM to electronically validate, acknowledge receipt, and upload data to the state's central wastewater database. This system is expected to reduce costs to both the regulated community and ADEM and to improve the accuracy of reported compliance data. If you wish to participate in this program, the Permittee Participation Package may be downloaded online at <https://e2.adem.alabama.gov/npdes> or you may obtain a hard copy by submitting a written request or by emailing e2admin@adem.alabama.gov.

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S. W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (FAX)

The Department encourages you to voluntarily consider additional pollution prevention practices/alternatives at your facility which may assist you in complying with effluent limitations, and possibly reduce or eliminate pollutant discharges.

Should you have any questions concerning this matter, please contact Andrew Burroughs at (334) 274-4197 or by email at aburroughs@adem.state.al.us.

Sincerely,



Johnathan E. Hall, Chief
Mining and Natural Resources Section
Stormwater Management Branch
Water Division

JEH/apb File: FPER/17031

Enclosure

cc: Andrew Burroughs, ADEM
Karrie-Jo Shell, EPA
Christa Marks, ASMC
William Pearson, U.S. Fish & Wildlife Service



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM INDIVIDUAL PERMIT

PERMITTEE: Alabama Carbon, LLC. (formerly GTM Energy Partners, LLC.)
106 Lockheed Drive
Beaver, West Virginia 25813

FACILITY LOCATION: Mine No. 1
Jackson County Road 22
Pisgah, Alabama 35765
Jackson County
T5S, R7E, Sections 12 and 13
T5S, R8E, Sections 7 and 18

PERMIT NUMBER: AL0073920

<u>DSN</u>	<u>Receiving Water</u>
001-1	Unnamed Tributary to Jacobs Creek
003-1	Unnamed Tributary to Jacobs Creek
005-1	Jacobs Creek
007-1	Jacobs Creek
009-1	Jacobs Creek
011-1	Jacobs Creek

<u>DSN</u>	<u>Receiving Water</u>
002-1	Unnamed Tributary to Jacobs Creek
004-1	Unnamed Tributary to Jacobs Creek
006-1	Jacobs Creek
008-1	Unnamed Tributary to Jacobs Creek
010-1	Jacobs Creek

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-16, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this Permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.

ISSUANCE DATE: September 28, 2007

EFFECTIVE DATE: October 1, 2007

EXPIRATION DATE: September 30, 2012

MODIFICATION ISSUANCE DATE: August 31, 2011

MODIFICATION EFFECTIVE DATE: August 31, 2011

Glenn L. Dean

Alabama Department of Environmental Management

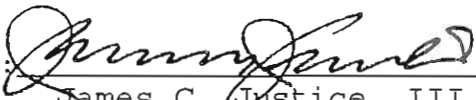
Applicant: Alabama Carbon, LLC
Mine Name: Mine No. 1
Permit Number: P-3822-39-13-S

Part VI - Verification of Permit Application (771.27)
For new Permit () Transfer (X) Renewal ()

I, the undersigned operator and holder of an ASMC license, do hereby submit this as my application for a permit to engage in surface coal mining operations and certify that the information in the application is true and correct to the best of my information and belief. This application is submitted in conformance with the rules and regulations of the Commission and it is agreed that any operations pursuant to the permit will be conducted in accordance with those rules and regulations. I further certify that I will keep the Commission advised of any change of facts as may pertain to the license information or this permit application.

Alabama Carbon, LLC
Permittee:

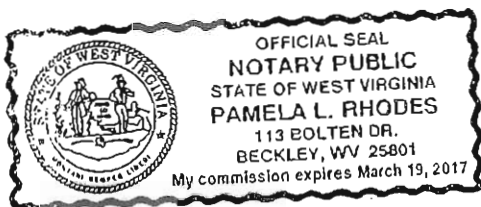
License No. L-816


By: 
James C. Justice, III, Vice President

STATE OF WEST VIRGINIA)
)
RALEIGH COUNTY)

Before me, the undersigned authority, personally appeared James C. Justice, III, who being duly sworn upon oath, deposed and said, that he has read the foregoing application, that he is the responsible official of the applicant who executed the application, that the facts and matters contained therein are true and correct to the best of his information and belief, and that he executed the same for the purposes therein expressed.

Sworn to and subscribed before me, this 3rd day of August, 2011.




Notary Public
3/19/17
Commission Expires

Applicant: Alabama Carbon, LLC
Mine Name: Mine No. 1
Permit Number: P-3822-39-13-S

PART VII - FINAL VERIFICATION OF PERMIT APPLICATION

I, the undersigned applicant and holder of an A.S.M.C. license do hereby certify that:

☒ The information in the license file regarding ownership and control and violation information is accurate and complete as of this date.

☐ The information in the license file regarding ownership and control and violation information is not accurate and complete as of this date. The necessary update is attached.

This verification is submitted in conformance with the rules and regulations of the Commission and it is agreed that any operations pursuant to the permit will be conducted in accordance with those rules and regulations. I further certify that I will keep the Commission advised of any change of facts as may pertain to the license or this permit information.

Licensee: Alabama Carbon, LLC

License No: L-816

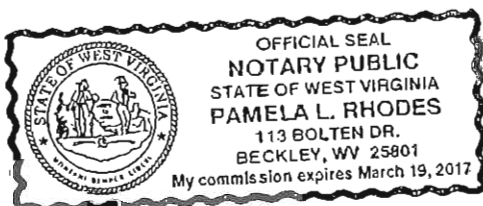
By: [Signature]

Date: 8/3/11

STATE OF WEST VIRGINIA)
RALEIGH COUNTY)

Before me, the undersigned authority, personally appeared James C. Justice, III, who being duly sworn upon oath, deposed and said, that he has read the foregoing application, that he is the responsible official of the applicant who executed the application, that the facts and matters contained therein are true and correct to the best of his information and belief, and that he executed the same for the purposes therein expressed.

Sworn to and subscribed before me, this 3rd day of August, 2011.



[Signature]
NOTARY PUBLIC

3/19/17
Commission Expires